

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**INFORMATION DISCLOSURE STATEMENT**

**TRANSMITTAL FORM**

In re Application of: O'Lenick et al

Serial No:

Filed:

Ref: SUR-002

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

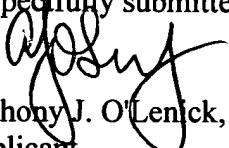
Dear Sir;

Please find enclosed the following components of an information disclosure statement:

1. PTO list of patents cited
2. Discussion under rule 98
3. Cited patents as follows; 6,331,293

Applicant respectfully contends that this package conforms to the provisions of 37 C.F.R. 1.98 and 37 C.F.R. 1.97. Applicant respectfully requests that the information contained herein be considered by the examiner in charge of the case.

Respectfully submitted;

  
Anthony J. O'Lenick, Jr.  
Applicant  
March 8, 2004  
(678) 442-0210

### **Discussion Under Rule 98**

U.S. Patent 6,331,293 issued December 18, 2001 to Smith et al describes phosphobetaines that are derived from dimer acid. Unlike the compounds of the present invention, these materials are amphoteric surfactants and are barriers when applied to the skin. It is stated that the compounds are "extremely substantitive to human skin and are well tolerated by human tissue making them suitable for use preparation of barrier products for personal care applications". Unlike these materials, the compounds of the present invention are not amphoteric, but are quats, are not barriers but are conditioning agents that do not build up on the hair or skin.

Respectfully submitted;



Anthony J. O'Lenick, Jr.  
Applicant  
March 8, 2004  
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Please type a plus sign (+) inside this box →

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Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				<b>Application Number</b>	
				<b>Filing Date</b>	
				<b>First Named Inventor</b>	O'Lenick
				<b>Group Art Unit</b>	
				<b>Examiner Name</b>	
				<b>Attorney Docket Number</b>	
<b>Sheet</b>		<b>of</b>			

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.  
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